



IN THE DISTRICT COURT, 7TH JUDICIAL DISTRICT
OKLAHOMA COUNTY, STATE OF OKLAHOMA

ROBERT S. FLANIKEN, as Guardian of
FRED K. FLANIKEN,

Plaintiffs,

vs.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendant.

Case No.:

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

JAN 20 2012

PATRICIA PRESLEY, COURT CLERK
by DEPUTY

P E T I T I O N

COME NOW the Plaintiffs and state:

1. On or about September 28, 2010, Fred K. Flaniken was involved in an automobile accident which caused damage to his 2010 Toyota automobile.
2. At all times relevant, Fred K. Flaniken and his automobile were insured under Policy #059195236G with Defendant, and which included property damage for the Toyota vehicle in the event of damage or loss thereto.
3. As a result of the automobile accident, the vehicle was a total loss.
4. By communication and by letter of December 13, 2010, Defendant stipulated to the loss and offered \$22,495.42 as the loss on the vehicle.
5. Defendant now refuses to pay upon its offer, even though the offer had not been withdrawn.
6. Additionally, Defendant insurance carrier has further acted in bad faith and in breach of its duties of good faith and fair dealing towards Plaintiffs by denying the claim of Plaintiffs without sufficient explanation or any good and sufficient reason, especially since Defendant stipulated to the loss claim.

7. The bad faith of Defendant insurance carrier is of such a nature so that Defendant should be punished and its conduct held as subject to exemplary damages.

WHEREFORE, Plaintiffs pray for judgment of this Court against Defendant and for money damages in an amount in excess of the amount required for diversity jurisdiction pursuant to Section 1332 of Title 28 of the United States Code for compensatory and punitive damages, plus interest, attorney fees as permitted by law, costs and any other just and proper relief.



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